

Fremont Conservation Commission
08-07-06 Minutes

Fremont Conservation Commission
Minutes of August 7, 2006
Approved August 21, 2006

Present: Chairman Jack Karcz, Members Janice O'Brien, Tina Sturdivant, Alternate Pat deBeer, Recording Secretary Meredith Bolduc.

Chrm. Karcz appointed Alt. DeBeer as a voting member for this meeting.

TUCK WOODS
Map 6 Lot 064

At 7:30 pm Mary Kaltenbach, 121 Tuck Drive, met with the Commission relative to several items of request and/or concerns as follows:

1. Request for a Welcome Sign to the Tuck Woods subdivision, with plantings around its base, when entering from Commercial Drive in Brentwood. This was discussed at the June 27, 2004 meeting and at that time the Members agreed that this is not allowed under the current Easement. Mrs. Kaltenbach distributed maps of the area as well as copies of the Tuck Woods Easement and asked for an interpretation relative to signage. Mbr. O'Brien noted that section 2C of the easement, "Use Limitations", reads in part "No structure or improvement of any kind shall be constructed, placed or introduced on to the easement property". Chrm. Karcz stated that the sign could be construed as advertising so the issue could be between the easement holders and the developer. As for the plantings at the base of the sign, Mbr. O'Brien noted that section 2D of the easement reads in part "No removal, filling, or other disturbances of soils surface, nor any changes in topography, surface or subsurface". There was a discussion relative to ownership of the open space portions of the property as well as the feasibility of an amendment to the easement.

It was agreed that the Commission has no jurisdiction over the easement restrictions, but would have no objections to a zoning compliant sign and plantings if the developer agreed to reword the easement to allow the specific signage and use limitation.

2. Mrs. Kaltenbach asked who was responsible for maintenance of the overflow of the pond and drainage ditches, some of which are on conservation land. She stated that she has contacted the developer relative to standing water in the retention pond located at the corner of Godfrey Lane and Tuck Drive and the answer she got was that Severino, who was the builder, said it was built as planned and to just take the weeds out. Chrm. Karcz suggested taking the issue to the Code Enforcement Officer to see if the retention pond was constructed properly and approaching the homeowners association relative to the culvert and drainage issues.

There was a conversation relative to the homeowner's responsibility to maintain culverts pursuant to access, (RSA 236:13).

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3. Signs entering Conservation Land and the trail easement that runs across many of the properties in the development and the area: Mrs. Kaltenbach stated that it is her opinion that the small diamond shaped signs that are in place along the road frontage are not adequate and additional signs are needed where the trail transitions from the Philips Exeter property to the Conservation property. The trail runs from the Philips Exeter property through conservation land then through some private property. The trail is used by horses, snowmobiles, bikes, etc. The easement states “no motorized vehicles” and “no public access”. Mrs. Kaltenbach asked if the non-motorized bikes would be allowed and the members did not have a problem with that. Alt. deBeer gave a brief history of the trail. Mrs. Kaltenbach stated that there were plans to reroute the trail on open land behind some of the private properties and asked if the Commission would object.

Mbr. O’Brien noted that section 7b of the Conservation Easement reads in part “The Grantor shall post appropriate signs identifying the land as protected for open space conservation”, otherwise stated “the landowner is responsible for signs identifying the land for open space conservation”.

Chrm. Karcz suggested that Mrs. Kaltenbach make a proposal to the homeowners association and the Conservation Commission would look at it and probably have no objection as long as there are no motorized vehicles, and no cutting or grading.

Ownership of the Conservation Land was also discussed.

Mbr. O’Brien noted that section 10, “Extinguishment”, of the Conservation Easement reads in part “this easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction”. Mbr. O’Brien suggested that the homeowners and/or homeowners association may want to show the easement document to a real estate attorney for guidance relative to responsibility and modification allowances.

Mrs. Kaltenbach thanked the Members and left the meeting at 8:45 pm.

GLEN OAKES

Charlie Moreno, Forester

At 8:45 pm Forester Charlie Moreno met with the Members relative to his interest in becoming the Forester for the Glen Oaks property. Chrm. Karcz stated that there is an easement of the Glen Oaks property and the Commission would be interested in a management plan. He added that The Open Space committee is looking for someone to do the overall management of the property. Mbr. O’Brien thinks that SPNHF, who is the holder of the conservation easement, will need to be notified of any timber harvesting.

There was a discussion relative to wildlife and forestry assessments. Mr. Moreno stated that a forestry management plan establishes what needs to be done on the property including natural areas, trails, conservation areas as well as the timber harvesting. He stated that part of managing it is the assessment of

wildlife survey, implementation of objectives for the property, getting to the goals and how to get it to happen. He showed maps of several towns depicting the “Physical and Natural” areas of the subject property and he stated the maps are helpful because they show all of the pertinent information on one sheet.

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Mr. Moreno presented Forest Management plan that he has done for area towns and used them to indicate the 2 parts to the wildlife assessment, habitat and actual habitat features. Wildlife inventory was discussed. He used the Strafford plan to describe the scope of the prospective Fremont management plan. There was a conversation relative to how to utilize volunteers that want to be a part of this project.

Mr. Moreno offered that a Management Plan consists of mapping, objectives, definition, property information, natural resource assessment, logistics of management (access, scheduling project finances and priority), silver cultural planning (actual working with the forest for planning), community use and community involvement. He estimated that a detailed management plan would cost in the vicinity of \$8,000.00 and would take about a year to complete. Mr. Moreno offered that the NH Fish & Game has a grant for such projects and he would be willing to help with the application process.

It was agreed that Mr. Moreno will visit the property, then he will meet with the Commission again in mid September to submit a proposed plan outline for the Members to review, and to discuss features of the property as well as a more accurate cost estimate for the project.

GLEN OAKES SIGN

Mbr. O'Brien reported that the Glen Oakes sign will be delivered and installed on Saturday August 12, 2006. The price of the sign will come out of the Current Use account.

MINUTES

Mbr. O'Brien made the motion to accept the minutes of the July 24, 2006 meetings as written. Motion seconded by Mbr. Sturdivant with unanimous favorable vote.

OAK RIDGE

Chrm. Karcz stated that the trails project is ready to be started. Mrs. Bolduc noted that written authorization from the NHDRED has not yet been received. Chrm. Karcz asked her to contact them to track the status of the authorization and find out if the work can begin before receipt of the written authorization without jeopardizing reimbursement.

ERLAC

Signs:

Mbr. Sturdivant reported that she has contacted Theresa Walker who said the ERLAC dues will remain at \$150.00, but towns are encouraged to submit additional money.

LOON POND

Mbr. O'Brien reported that Mr. Lake has signed an option agreement with the Conservation Commission for the Loon Pond property, which Chrm. Karcz also signed. The agreement ends at 5:00 pm on September 8, 2006, but there is an extension option.

Mbr. Sturdivant had previously gained information relative to new funding available to eligible applicants by the Water Supply Land Grant Program. This information was subsequently forwarded to the Members. There

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was a question of whether Loon Pond area would qualify for this grant. Under this program the NHDES would make a 25 percent matching grants to municipal water suppliers for the purchase of land or conservation easements critical to their water quality. The sources for the 75 percent local match can include donated land or easements that are also within the source water protection area, public funds, transaction expenses, or private funds. There is also a low interest loan fund available from DES that may be used to finance the match.

These water supply lands must be currently unprotected and within the wellhead protection area for a groundwater source or within the source water protection area. They must also be within 5 miles of the intake of a surface water source.

Alt. deBeer shared the following statement via an e-mail message. "Based on what I learned at one of the SPNHF Workshop sessions this spring, Fremont is not eligible. Towns which have begun actively planning for future water supplies and that have submitted a preliminary well siting report are eligible. Fremont has only designated aquifer protection areas, but has not made any formal plans for creating a future municipal water supply. Until Fremont becomes more pro-active, they will not even be in the line for grant funding." The application states "Projects must address active or planned sources for public water systems. Planned sources must have at least submitted a preliminary well siting report (for groundwater sources) or have submitted a conceptual plan (for surface water sources)." She added, in her message, that it is possible to get grant funding from the Water Supply Land Grant Program to protect the water supply of a neighboring town and wondered if Raymond has an existing/planned municipal water supply that Fremont could protect.

Mbr. O'Brien stated that she will contact Sarah Pillsbury at DES relative to whether the project will qualify for this grant.

CORRESPONDENCE

1. Notice from NHDES of the upcoming 2006 Watershed Conference.
2. An August 1, 2006 notice of a Matching Tree Grant from Elm Research Institute.

Mbr. O'Brien made the motion to adjourn at 10:30 pm.

Motion seconded by Mbr. Sturdivant with unanimous favorable vote.

Respectfully submitted,
Meredith Bolduc